

United States District Court

for

District of New Jersey

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: David Guzman-Lebron

Docket Number: 12-00061-001

PACTS Number: 55158

Name of Sentencing Judicial Officer: HONORABLE JAY A. GARCIA-GREGORY
UNITED STATES DISTRICT JUDGE

Name of Assigned Judicial Officer: HONORABLE JOSE L. LINARES
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 06/25/2003

Original Offense: AIDING AND ABETTING IN THE IMPORTATION OF HEROIN

Original Sentence: 110 months imprisonment; 4 years supervised release.

Type of Supervision: supervised release

Date Supervision Commenced: 09/03/10

Assistant U.S. Attorney: Carmen Marquez, Chardon Tower, Suite 1201, 350 Carlos Chardon Avenue, San Juan, Puerto Rico 00918, (787) 766-5656

Defense Attorney: Maria T. Arsuaga, Patio Gallery Building, 241 Franklin D. Roosevelt Avenue, Hato Rey, Puerto Rico 00918-2441, (787) 281-4922

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 The offender has violated the standard supervision condition which states 'You shall not commit another federal, state, or local crime.'

On September 13, 2011, the offender was arrested by the Bergen County Prosecutor's Office for the following charges: Possession with Intent to Distribute Cocaine (over 5 oz.), 1st Degree and Knowingly or Purposely Possessing a Firearm While in the Course of Possessing with the Intent to Distribute a Controlled Dangerous Substance, Namely Cocaine (of 5 oz. or more). Specifically, the offender was found to be in possession of a black Glock semi-automatic, 40 caliber handgun with one magazine containing three 40 caliber ball bullets and three 40 caliber hollow nose bullets.

The offender has subsequently been named in a four-count indictment (Ind# S-0861-12) by the Bergen County Prosecutor's Office under his alias, "Andy Guzman." Such counts are as follows: Ct.1: (First Degree) and charges are pending within Superior Court of New Jersey. He is scheduled for Arraignment on July 9, 2012.

- 2 The offender has violated the standard supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**'

The offender has provided the undersigned with false information. Specifically, the offender has been untruthful regarding his employment. Since September 2011, the offender has reported working for a janitorial company, "Clean Swift." The undersigned had instructed him to provide verification of such, which he did not provide until November 17, 2011, claiming he has been a "managing member" of the company since July 2011. Further, his boss, and CEO of the company was listed as Omar Rios.

When the undersigned later informed the offender that I was aware that his "boss" was his co-defendant in the above-stated charges, the offender stated that he had not spoken to him in two months. Therefore, the offender could not have been working for such company. In addition, it was learned that the verification documents the offender presented to the undersigned on November 17, 2011, had been in his possession since September 2011. Also, the offender failed to inform the undersigned he was in training at the Wal Mart store located in Kearny, New Jersey.

- 3 The offender has violated the standard supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On June 20, 2012, the offender was arrested by the Essex County Prosecutor's Office for the following charge: Unlawful Possession of an Altered Trade Marker/VIN of a Motor Vehicle, 3rd Degree. Specifically, on such date, the offender was arrested after being in possession of a black 2007 Mercedes Benz S550 with an altered VIN, along with a black 2010 Range Rover, and both vehicles are suspected to be stolen.

- 4 The offender has violated the standard supervision condition which states '**You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.**'

The offender has failed to notify the undersigned of his arrest on June 20, 2012, by the Essex County Prosecutor's Office within 72 hours.

- 5 The offender has violated the standard supervision condition which states '**You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.**'

The offender has used an illegal substance, specifically, on December 8, 2011, he tested positive for heroin.

I declare under penalty of perjury that the foregoing is true and correct.

By: Susan Karlak
Susan Karlak
Senior U.S. Probation Officer
Date: 7/3/12 SSK

THE COURT ORDERS:

- ☒ The Issuance of a Warrant
☐ The Issuance of a Summons. Date of Hearing: _____
☐ No Action
☐ Other

[Signature]
Signature of Judicial Officer

7/11/12
Date